

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DONNA FIKE,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-2981
	:	
GLOBAL PHARMA HEALTHCARE	:	
PRIVATE, LTD; EZRICARE, LLC;	:	
AMAZON.COM, INC.; and EZRIRX, LLC;:	:	
Defendants.	:	

ORDER

AND NOW, this 18th day of July, 2024, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT:**

1. Amazon's Motion to Dismiss, ECF No. 22, is **GRANTED in part and DENIED in part** as follows:

A. To the extent the strict products liability and negligence claims (Counts I and III) are premised on a post-sale duty to recall they are dismissed in limited part as to Amazon. Paragraphs 55(r), 71(q), and 75(c) of the Amended Complaint are stricken as to Amazon.

B. The misrepresentation claim in Count IV is dismissed with prejudice as to Amazon.

C. The breach of express warranty claim in Count V is dismissed with prejudice as to Amazon.

D. The punitive damages claim in Count IX is dismissed with prejudice as to Amazon.

E. The motion is otherwise denied.

2. **Within fourteen (14) days of the date of this Order**, Amazon shall file an answer to the Amended Complaint, including any crossclaims. *See* Fed. R. Civ. P. 12(a)(4)(A).

3. As outlined in the Opinion, an Order on the remaining motions to dismiss, *see* ECF Nos. 23, 24, 34, will be issued once the Answer is filed.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge